

HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

BILL #: CS/HB 1133 Physician Assistant Licensure
SPONSOR(S): Healthcare Regulation Subcommittee, Rizo and others
TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 454

FINAL HOUSE FLOOR ACTION: 113 Y's 0 N's **GOVERNOR'S ACTION:** Approved

SUMMARY ANALYSIS

CS/HB 1133 was passed by the House on April 20, 2023, and subsequently passed by the Senate on April 27, 2023.

A physician assistant (PA) is licensed to perform health care services delegated by a supervising physician. PAs may only practice under the direct or indirect supervision of an allopathic or osteopathic physician with whom they have a clinical relationship. A supervising physician may only delegate tasks and procedures to the PA that are within the supervising physician's scope of practice.

PAs are regulated under the Department of Health (DOH) by the Council on Physician Assistants (Council) in conjunction with the Boards of Medicine (BOM) or Osteopathic Medicine (BOOM). To qualify for a PA license, an applicant must graduate from an approved educational program; depending on when the degree was conferred an applicant may qualify for licensure with either a master's or bachelor's degree. PA educational programs must be accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA).

In 2021, the Legislature revised the statutes regulating PA licensure. Under the law, PA licensure applicants who graduated from an approved program **before** December 31, 2020, are eligible for licensure regardless of whether they were conferred a master's or bachelor's degree, while applicants who graduated **after** December 31, 2020, must have a master's degree to be eligible for licensure. The changes to eligibility requirements aligned with the increasing educational standards for PAs established nationally by the ARC-PA; however, the revision inadvertently rendered otherwise eligible applicants for PA licensure ineligible. Specifically, individuals who began a bachelor's degree from an approved PA program prior to the change in law would have been eligible for licensure upon graduation, but because they graduated after December 31, 2020, they are ineligible.

CS/HB 1133 revises the eligibility requirements for PA licensure to make applicants who matriculated into, rather than graduated from, an approved program prior to before December 31, 2020 eligible for licensure. The bill also authorizes the BOM and BOOM to grant a license to a PA applicant who does not meet the educational requirements in statute, but passed the licensure examination. These changes reinstate licensure eligibility for PA bachelor degree program graduates effected by the 2021 change to the PA licensure statute.

The bill has no fiscal impact on state or local government.

The bill was approved by the Governor on June 21, 2023, ch. 2023-274, L.O.F., and become effective on that date.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Present Situation

Physician Assistants

A physician assistant (PA) is a health care practitioner who practices under the direct or indirect supervision of an allopathic or osteopathic physician. PAs may provide a number of medical services including:¹

- Physical examinations;
- Diagnosis and treatment of illness;
- Counsel on preventative health care;
- Assistance in surgery; and
- Prescribing of medication.

In Florida, PAs are regulated under the Department of Health (DOH) by the Council on Physician Assistants (Council), in conjunction with either the Board of Medicine (BOM) for PAs licensed under ch. 458, F.S., or the Board of Osteopathic Medicine (BOOM) for PAs licensed under ch. 459, F.S. PAs are governed by the respective physician practice acts as PAs may only practice under the supervision of an allopathic or osteopathic physician.

PA Scope of Practice

The scope of practice of a PA is limited to the scope of practice of the physician under which the PA is practicing and to those services that have been delegated by the physician. PAs may only practice under the responsible supervision, direct or indirect, of an allopathic or osteopathic physician with whom they have a clinical relationship.² A supervising physician may only delegate tasks and procedures to the PA that are within the supervising physician's scope of practice.³

The BOM and BOOM have established by rule that "responsible supervision" of a PA means the ability of the supervising physician to exercise control and provide direction over the services or tasks performed by the PA. Whether the supervision of a PA is adequate is dependent upon the:⁴

- Complexity of the task;
- Risk to the patient;
- Background, training and skill of the PA;
- Adequacy of the direction in terms of its form;
- Setting in which the tasks are performed;
- Availability of the supervising physician;
- Necessity for immediate attention; and
- Number of other persons that the supervising physician must supervise.

A supervising physician decides whether to permit a PA to perform a task or procedure under direct or indirect supervision based on reasonable medical judgment regarding the probability of morbidity and

¹ Florida Academy of Physician Assistants, *What is a PA?* Available at <https://www.fapaonline.org/page/whatisapa> (last visited May 1, 2023).

² Ss. 458.347(2)(f) and 459.022(2)(f), F.S., supervision means the responsible supervision and control requiring the easy availability or physical presence of the licensed physician for consultation and direction of the PA; telecommunication constitutes "easy availability" of the physician.

³ Rules 64B8-30.012, F.A.C., and 64B15-6.010, F.A.C.

⁴ Rules 64B8-30.001, F.A.C., and 64B15-6.001, F.A.C.

mortality to the patient.⁵ The supervising physician is responsible and liable for any acts or omissions of the PA and may not supervise more than ten PAs at any time.⁶

Licensure and Regulation of Physician Assistants

Prior to 2021, Florida law did not specify the type of degree required for PA licensure; instead, it was left to the discretion of the boards to approve specific PA training programs. Board-approved programs included both bachelor's and master's level degree programs. PA licensure applicants who graduated from board-approved programs and received bachelor's degrees could be licensed as a PA upon obtaining a passing score on the national certification exam.⁷

In 2021, the Legislature revised the statutes regulating PA licensure to align with updates to the national Accreditation Standards for Physician Assistant Education (Accreditation Standards). The updated Accreditation Standards formalized the shift toward graduate-level degree programs for PAs by requiring institutions to confer a master's degree or higher, rather than a bachelor's degree, upon program graduates in order to qualify for accreditation.⁸

Under current law, an applicant must meet one of the following education requirements:⁹

- For an applicant who graduated **after** December 31, 2020, has received a master's degree in accordance with the Accreditation Review Commission on Education for the Physician Assistant or, before 2001, its equivalent or predecessor organization;
- For an applicant who graduated on or **before** December 31, 2020, has received a bachelor's or master's degree from an approved program;
- For an applicant who graduated before July 1, 1994, has graduated from an approved program of instruction in primary health care or surgery; or
- For an applicant who graduated before July 1, 1983, has received a certification as a physician assistant from the BOM and BOOM.

In addition, an applicant must obtain a passing score on the Physician Assistant National Certifying Examination as established by the National Commission on Certification of Physician Assistants and has been nationally certified.¹⁰

The BOM and BOOM may also grant a license to an applicant who does not meet the preceding educational requirements but who passed the Physician Assistant National Certifying Examination administered by the National Commission on Certification of Physician Assistants before 1986.¹¹

PA degree programs may only be approved by the BOM and BOOM if they are fully accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) or, for programs completed before 2001, from the Committee on Allied Health, Education, and Accreditation.¹² Only

⁵ "Direct supervision" refers to the physical presence of the supervising physician so that the physician is immediately available to the PA when needed. "Indirect supervision" refers to the reasonable physical proximity of the supervising physician to the PA or availability by telecommunication. See Rules 64B8-30.001, F.A.C., and 64B15-6.001, F.A.C.

⁶ Ss. 458.347(15) and 459.022(15), F.S.

⁷ See Ss. 458.347(6) and 459.022(7), F.S. (2020).

⁸ Accreditation Review Commission on Education for the Physician Assistant, Inc. (ARC-PA), *Accreditation Standards for the Physician Assistant Education: Fifth Edition* (2019). Available at <https://www.arc-pa.org/wp-content/uploads/2023/04/Standards-5th-Ed-March-2023.pdf> (last visited May 18, 2023).

⁹ Ss. 458.347(6) and 459.022(6), F.S.

¹⁰ See ss. 458.347(6) and 459.022(6), F.S. If an applicant does not hold a current certificate issued by the National Commission on Certification of Physician Assistants or its equivalent or successor organization and has not actively practiced as a physician assistant within the immediately preceding 4 years, the applicant must retake and successfully complete the entry-level examination of the National Commission on Certification of Physician Assistants or its equivalent or successor organization to be eligible for licensure.

¹¹ Ss. 458.347(6) and 459.022(7), F.S.

¹² Ss. 458.347(5) and 459.022(5), F.S.

graduates of programs accredited by the ARC-PA are eligible for the Physician Assistant National Certifying Examination.¹³

The 2021 changes to educational requirements for PA licensure aligned Florida with the increasing educational standards for PAs established nationally by the ARC-PA;¹⁴ however, the revision inadvertently rendered otherwise eligible applicants for PA licensure ineligible. Specifically, a cohort of approximately 10 students at Miami-Dade College¹⁵ who began an approved bachelor's degree PA program prior to the change in law are ineligible for licensure because they graduated after December 31, 2020.

Effect of the Bill

CS/HB 1133 revises the eligibility requirements for PA licensure to make applicants who matriculated into, rather than graduated from, an approved program prior to December 31, 2020 eligible for licensure. The bill also authorizes the BOM and BOOM to grant a license to a PA applicant who does not meet the educational requirements in statute, but passed the Physician Assistant National Certifying Examination.

These changes reinstate licensure eligibility for graduates of approved PA bachelor's degree programs inadvertently affected by the 2021 change to the PA licensure statutes.

The bill takes effect upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

A cohort of PA program graduates that are currently ineligible for licensure in spite of their qualifications will now be able to be licensed and supplement the physician extender workforce.

¹³ National Commission on Certification of Physician Assistants, *PANCE Eligibility*. Available at <https://www.nccpa.net/become-certified/#pance-eligibility> (last visited May 2, 2023).

¹⁴ Supra note 8.

¹⁵ Email from Jennifer Wenhold, Director of Medical Quality Assurance, Department of Health, *Miami Dade Cohort* (May 22, 2023). On file with the Healthcare Regulation Subcommittee.

D. FISCAL COMMENTS:

None.